

HOUSER & ALLISON  
A Professional Corporation  
9970 Research Drive  
Irvine, California 92618  
TELEPHONE (949) 679-1111  
FACSIMILE (949) 679-1112

Honorable Judge Marc Barreca  
Hearing Location: Seattle 7106  
Hearing Date: April 15, 2011  
Hearing Time: 9:30 a.m.  
Response Date: April 15, 2011

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re:	)	Chapter 13 Bankruptcy
	)	
Rodolfo M. Masangkay	)	Adversary No.: 11-01207-MLB
Asiatica E. Masangkay	)	
	)	Bankruptcy Case No.: 09-13671-MLB
Debtors.	)	
<hr/>		<b>LVNV FUNDING, LLC'S MOTION TO EXTEND DEADLINE FOR DEFENDANT TO FILE ANSWER OR OTHER RESPONSIVE PLEADING; MEMORANDUM OF POINTS AND AUTHORITIES</b>
Rodolfo M. Masangkay	)	
Asiatica E. Masangkay,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Key Bank National Association and LVNV	)	
Funding, LLC,	)	
	)	
Defendants.	)	

Defendant, LVNV Funding, LLC ("Defendant") hereby moves the Court to extend the deadline for Defendant to file an Answer or other responsive pleading (the "Motion") in the above-entitled and numbered Chapter 13 case.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiffs Rodolfo M. Masangkay and Asiatica E. Masangkay (“Plaintiffs”) filed this  
4 adversary complaint on March 7, 2011. Defendant retained Houser & Allison, APC on April 7,  
5 2011 to represent its interest in this adversary proceeding. Houser & Allison, APC has not had  
6 sufficient time to review the case and provide an adequate response by the response deadline of  
7 April 8, 2011. Therefore, Defendant requests an extension of time to file an answer or other  
8 responsive pleading through April 28, 2011.

9 **II. LEGAL STANDARD**

10 Defendant’s Motion is based upon F.R.B.P. rule 9006 (b) which states that “when an act  
11 is required or allowed to be done at or within a specified period by these rules or by a notice  
12 given thereunder or by order of court, the court for cause shown may at any time in its discretion  
13 (1) with or without motion or notice order the period enlarged if the request therefore is made  
14 before the expiration of the period originally prescribed...” Defendant’s deadline to respond has  
15 not yet expired and may be extended under rule F.R.B.P. 9006(b).

16 Plaintiffs’ Complaint addresses matters in the bankruptcy proceeding dating back to  
17 March of 2010. Due to the extensive number of filings in the lead bankruptcy case and the  
18 contested nature of this matter, Defendant’s attorney needs additional time to review and digest  
19 the substantial history of the Plaintiffs’ case. Defendant’s attorney was retained on April 7,  
20 2011, just one day before the response deadline. Defendant’s attorney has not had enough time  
21 to review this matter and discuss a recommended course of action for the Defendant. A twenty  
22 (20) day response deadline extension will allow the Defendant fair representation by its attorney  
23 in a case involving potentially adverse treatment of a substantial secured claim.

24 ///

25 ///

26 ///

27 ///

1 **III. CONCLUSION**

2 For the foregoing reasons, Defendant respectfully requests that this Court grant  
3 Defendant's Motion to Extend Deadline for Defendant to File Answer or Other Responsive  
4 Pleading.

5 DATED this 8<sup>th</sup> day of April, 2011

6 HOUSER & ALLISON,  
7 A Professional Corporation

8 By: /s/ ROBERT W. NORMAN, JR  
9 ROBERT W. NORMAN, JR., WSBA# 37094  
Attorneys for LVNV Funding, LLC